

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:21-CV-00010-M

VICKI ANN MILLER,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

ORDER

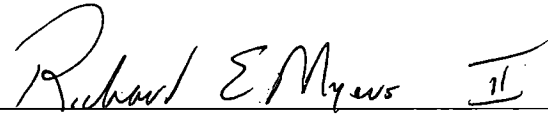
This matter is before the court on Plaintiff's Motion for Judgment on the Pleadings [DE 18] and Defendant's Consent Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g). [DE 22]. Under sentence four of 42 U.S.C. § 405(g), the district court has the authority to remand a case to the Commissioner of Social Security for further fact finding. 42 U.S.C. § 405(g); *Sullivan v. Finkelstein*, 496 U.S. 617, 624–25 (1990). Sentence four of § 405(g) states “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g).

For good cause shown, Defendant's motion is GRANTED. The court reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings consistent with this order. *See Shalala v. Schaefer*, 509 U.S. 292, 296–97 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991) (“The fourth sentence of § 405(g) authorizes a court to enter ‘a judgment affirming, modifying, or reversing the

decision of the Secretary, with or without remanding the cause for a rehearing.'"). In light of this order, Plaintiff's motion is DENIED AS MOOT.

The Clerk of the Court shall enter a judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and close this case.

SO ORDERED this 3^d day of December, 2021.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE